

CITY OF CANAL FULTON

February 18, 2003

REGULAR COUNCIL MEETING:

Mayor Shawn Kenney called the February 18, 2003 Council Meeting to order at 7:00 p.m. in City Hall Council Chambers.

PLEDGE OF ALLEGIANCE:

CALLING OF THE ROLL: Present: Bill Dane, Nellie Cihon, Diane Downing, Linda Zahirsky, Robert Szanto, Mike Mouse, Mayor Shawn Kenney.

OTHERS PRESENT: Marge Loretto, City Manager; Debbie Kerr, Finance Director; Dale Kincaid, Law Director; Mike McNeely, Police Chief; Robert Hill, Fire Chief; Attorney John Smart, Attorney Robert Tscholl, Joan Porter, The Repository; Julie Scheurer, The Independent; Ray Coffman, Cindy Wallenhurst, Victor Colaanni, Bret Stephan, Fred Etheridge, Dennis Downing, Kathy Middleton, all residents.

ADOPTING/CORRECTING OF MINUTES: Mrs. Zahirsky made a motion to adopt the Minutes of the February 4, 2003 City Council meeting. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

SPECIAL RECOGNITIONS: The Mayor stated that present this evening were Attorney John Smart of the Ohio Consumers' Council, will be speaking on electric aggregation and also Attorney Robert Tscholl, who will speak in Executive Session regarding collecting bargaining with the City's streets and utility workers.

Mrs. Cihon made a motion to go into Executive Session. The motion was seconded by Mr. Dane. Roll: Yes – ALL.

Regular meeting adjourned.

Mayor Kenney stated they are now back in regular session of the Council meeting. He said at 8:00 P.M. there is a public hearing on two sign ordinances. He asked if anyone was present who wished to address those ordinances. There were none. The Mayor then presented Mr. Smart.

Attorney Smart of the Ohio Consumers' Council passed out printed materials regarding electric aggregation. He said the agency's primary responsibility is to represent residential consumers of electricity, water and gas. He said electric aggregation has been one of those issue that they have identified as being beneficial to residential consumers and have undertaken an education effort to go around the state to explain aggregation.

He said there are different stages to the process. He said for this area of Ohio there is a five year market development period in which your electric rates are capped. At the end of 2005, the capped rate will be replaced by a market-based rate. It will be designed by First Energy and the Utilities Commission will have to approve it. He said NOPEC is one of the most successful aggregation programs in the United States.

There is a process by which, having passed the ballot initiative, the City construct a program, fand file for certification with the Public Utilities Commission. He said the next thing that has to happen is to create an RFP, by which the City can start to solicit amounts from suppliers and negotiate with them.

He said most communities have hired consultants to assist them in the RFP process. Other communities have collaborated to help defray costs. He said the NOPEC group has one hundred communities and 150,000 residential customers and 30,000 commercial accounts. Mr. Mouse asked if Canal Fulton could join them. Mr. Smart said yes. He said the City would still have to have their own aggregation plan the City wouldn't need to file its own certificate.

Mr. Mouse asked how many power companies there are in Ohio. Mr. Smart said there are eight Electric Distribution Utility Companies in Ohio. He said three of them are owned by First Energy. He said two are owned by AEP, and a few smaller ones.

Mr. Smart said the number one aggregator is NOPEC and their supplier is Green Mountain out of Austin, Texas.

Mr. Szanto stated that also under Special Recognitions he would like to offer thanks to the Street Department for the fine work in clearing the snow this past weekend. He said he feels the City has one of the best crews around.

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Mr. Mouse said he also feels they have done a good job; however, he has heard from a couple of seventy-five plus year- old residents whose driveways were buried by the snow trucks and feels that something should be done about ensuring this does not continue to occur.

CITIZENS COMMENTS ON AGENDA MATTERS:

REPORTS OF ADMINISTRATIVE OFFICERS:

Senior Citizens. No Report.

Community Service Coordinator. No Report.

Fire Chief.

Chief Hill said he would like to echo Mr. Szanto's sentiments regarding the Street Department. He went on to say the Fire Station's fax machine died and he has had it replaced. He said he was told by the Law Director that he needed a motion from Council to throw it away. Mr. Szanto made a motion that this piece of equipment is no longer of use to the Fire Department and that it has a value of less than \$1,000.00, and that Council authorizes the Fire Chief to dispose of this fax machine. The motion was seconded by Mrs. Cihon. Roll: (Voice Vote) Yes – ALL.

Chief Hill also said that per his memo to Council he would like to move Ray Green into the position of Fire Training Officer. The Mayor so recommended. Mr. Szanto made a motion to approve the Mayor's recommendation to appoint Ray Green to the position of Fire Training Officer. The motion was seconded by Mr. Dane. Roll: Yes – ALL.

Police Chief.

Chief McNeely said he was following up on the concerns about the "male revue" at a local establishment. He said he sent an officer to observe the program and there were no violations of the law.

Engineer/Streets/Public Utilities. No Report.

Director of Finance.

Mrs. Kerr passed out the January bank reconciliation. Mrs. Cihon made a motion to acknowledge receipt of the January bank reconciliation. The motion was seconded by Mr. Dane. Roll: Yes – ALL.

Report of Mayor

The Mayor stated that a local photographer who has taken formal photos of the Lawrence Township Trustees is interested in doing the same for City Council at \$12.00 a piece.

City Manager's Report. (Written Report)

Mrs. Loretto stated that Council has her written report, which speaks for itself.

Parks.

Mr. Etheridge stated that Councilperson Zahirsky attended the Park Board's last meeting and that he appreciates her interest in the parks. Chad Rupert, the student non-voting member, attended his first meeting. He said they continue to have a vacancy on the Park Board. He also stated that they have two proposals in for a summer recreation program in addition to working with the YMCA.

Law Director.

Mr. Kincaid stated that regarding the aggregation issue that Council should wait for the booklet that is forthcoming and he would suggest that this issue is more complicated than originally thought.

READING OF ORDINANCES

Public Hearing: No comments.

THIRD READINGS:

Ordinance 7-03: An Ordinance Amending Section 1181.02 (b) (6) of the Sign Regulations Chapter of the Canal Fulton Zoning Code.

Mr. Dane made a motion to approve Ordinance 7-03. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

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Mr. Kincaid suggested that the Clerk of Council set the Zoning hearings as they arise. He said if they wait for Council to set the hearings, they are set back. He said, however, that a motion would need to be made to give the Clerk that authority.

Mr. Szanto made a motion, based on the Law Director's recommendation, that Council gives authority to the Clerk of Council to set hearing dates for Zoning issues, with notification to members of Council. The motion was seconded by Mr. Mouse. Roll: Yes – ALL.

Ordinance 8-03: An Ordinance Amending Section 1181.02 of the Sign Regulations Chapter of the Canal Fulton Zoning Code.

Mr. Dane made a motion to pass Ordinance 8-03. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

SECOND READINGS:

None.

FIRST READINGS:

None.

PURCHASE ORDERS AND BILLS:

P.O. #3178 to Robert Tscholl in the amount of \$5,000.00 for professional services for contract negotiations.

Mrs. Cihon made a motion to accept P.O. #3178 in the amount of \$5,000.00 to Attorney Robert Tscholl. The motion was seconded by Mrs. Downing. Mr. Mouse asked Mrs. Kerr how much the City has paid Mr. Tscholl to date. Mrs. Kerr Said \$17,867.50. Roll: Yes – ALL.

P.O. #3182 in the amount of \$9,270.00 to Cargill, Inc., for highway rock salt. Mr. Dane made a motion to approve P.O. #3182 to Cargill in the amount of \$9,270.00. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

Bills in the amount of \$51,045.22

Mr. Dane made a motion to accept the bills in the amount of \$51,045.22. The motion was seconded by Mrs. Cihon. Roll: Yes – 5.

NEW BUSINESS:

The Mayor stated that it was recommended by the City's legal counsel that we reject the Factfinder's report concerning the Teamsters representation of our Streets and Utilities Departments.

Mr. Szanto made a motion to reject in entirety the results of the Factfinder's report regarding negotiations on the Teamsters contract. The motion was seconded by Mr. Mouse. Yes – ALL.

Mr. Kincaid said there is a petition from the Canal Fulton Public Library to vacate Geneva Place. He said the only adjoining landowner is the Library, so Council's consideration of this request can be done without publication. He suggested Council get input from department heads.

Mayor Kenney suggested having a City council meeting at Chapel Hill. He recommended the March 18, 2003 Council meeting to be held there. Mrs. Zahirsky made a motion to hold the March 18, 2003 Council meeting at Chapel Hill. The motion was seconded by Mrs. Cihon. Roll: Roll – YES.

OLD BUSINESS: None.

OTHER BUSINESS:None.

CITIZENS COMMENTS:

Mr. Etheridge stated that although the "male revue" was within the law in Canal Fulton, he was concerned about this sort of thing right out on the main street. He feels this is not good, and will lead to adult bookstores, video stores, etc. He said he is also concerned about the "teen" dances this particular owner plans to have on Sundays. He said he is very opposed to this. Mr. Etheridge asked if Council was going to pursue a remedy for this situation. Mr. Dane and Mr. Szanto answered yes.

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Kathy Middleton said she runs the Little People Pre-School and said she wished to express her revulsion at that male revue and encourage Council to do the right thing and take a stand for decency and morality.

REPORT OF COUNCIL PRESIDENT:

Mr. Szanto said they had a Safety Committee meeting earlier this evening. Mr. Dane was selected chair of the committee. He said he would like to have Council members of the Finance and Economic Development Committees meet. Meeting dates were selected for the Finance Committee: February 25, 2003, at 7:00 P.M.; Economic Development Committee: March 6, 2003, at 6:30 P.M., and Public Service Committee: March 6, 2003, at 7:00 P.M.

REPORT OF STANDING COMMITTEES

Mr. Dane said the Safety Committee met earlier this evening. Items discussed were the lowering of the speed limit on Locust Street and installation of sidewalks and other options to help safety along Locust.

The regular meeting was adjourned.

Sharon Reiter, Clerk of Council
Mayor

Shawn Kenney,